

Message Text

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DRAFTED BY EA:MR. HOLBROOKE/L:MESSRS. HANSELL AND OXMAN
APPROVED BY D:MR. CHRISTOPHER
S/S:PTARNOFF
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S E C R E T STATE 107491 TOSEC 040250

NODIS
FROM HOLBROOKE AND HANSELL FOR THE SECRETARY ONLY

E.O. 11652: GDS

TAGS: PFOR, VN

SUBJECT: NIXON 1973 MESSAGE TO PHAM VAN DONG

1. AS PETER TARNOFF REPORTED TO YOU LAST NIGHT, THERE HAS BEEN AN UPSURGE OF CONGRESSIONAL AND MEDIA ATTENTION TO THE NIXON MESSAGE OF FEBRUARY 1, 1973, TO PHAM VAN DONG CONCERNING AID. REQUESTS HAVE BEEN RECEIVED FROM SENATE AND HOUSE FOR ACCESS TO THE MESSAGE. (LESTER WOLFF HAS TALKED WITH SCOWCROFT, WHO SAYS NIXON HAS AGREED TO PROVIDE A LETTER DESCRIBING HIS RECOLLECTION OF THE CIRCUMSTANCES SURROUNDING THE MESSAGE. THIS HAS BEEN IN NEWSPAPERS.) WHILE THE CURRENT CONGRESSIONAL REQUESTS FOR ACCESS MIGHT BE SATISFIED TEMPORARILY BY SHOWING THE NIXON MESSAGE TO INTERESTED MEMBERS ON A CLASSIFIED BASIS, WE ARE NOT SURE THAT SUCH CLASSIFIED DISCLOSURE WOULD ABATE THE PRESSURE

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FOR LONG. OF COURSE, RELEASE WOULD NOT PROVIDE MUCH NEW INFORMATION SINCE THE CONTENTS OF THE MESSAGE HAVE BEEN WIDELY LEAKED.

2. PRINCIPAL ARGUMENT IN FAVOR OF RELEASE IS THAT IT WOULD ERASE ANY CONGRESSIONAL AND PUBLIC IMPRESSIONS OF UNWARRANTED SUPPRESSION. WE SEE NO SIGNIFICANT DAMAGE TO U.S.

INTERESTS, DOMESTIC OR FOREIGN, SINCE THE MATTER HAS ALREADY BEEN DISCUSSED SO EXTENSIVELY IN SUBSTANTIALLY ACCURATE PRESS REPORTS. THE ADVERSE EFFECT ON CURRENT NEGOTIATIONS UNDOUBTEDLY ALREADY HAS OCCURRED.

3. PRINCIPAL ARGUMENTS AGAINST RELEASE ARE AS FOLLOWS. THERE IS A SERIOUS QUESTION OF WHERE WE STOP ONCE WE BEGIN TO RELEASE TO CONGRESS AND/OR DECLASSIFY SENSITIVE DOCUMENTS OF THIS NATURE. RELEASE OF THIS LETTER COULD BE SEIZED ON AS A PRECEDENT FOR DEMANDING THE RELEASE OF OTHER DOCUMENTS SUCH AS OTHER VIETNAM NEGOTIATION RECORDS OR MEMCONS ON NIXON'S CONVERSATIONS. (SPARKMAN HAS MADE A REQUEST FOR A CHINA MEMCON WHICH WE WILL RECOMMEND THAT YOU TURN DOWN.)

4. NEVERTHELESS, WE RECOMMEND, AND WARREN CHRISTOPHER CONCURS, THAT WE ARRANGE FOR DECLASSIFICATION AND PUBLIC RELEASE AS PROMPTLY AS POSSIBLE, WHICH WE THINK CAN BE ACCOMPLISHED WITHIN A FEW DAYS.

5. IF YOU CONCUR IN THE RECOMMENDATION TO RELEASE, WE WOULD SEEK WHITE HOUSE CONCURRENCE IN THE DECISION. SINCE THE MESSAGE WAS ORIGINALLY CLASSIFIED BY KISSINGER IN HIS CAPACITY AS NATIONAL SECURITY ADVISER, BRZEZINSKI SHOULD BE THE ONE TO AUTHORIZE DECLASSIFICATION.

6. WE ARE REASONABLY CONFIDENT THAT COPY OF THE MESSAGE IN OUR HANDS, WHICH WAS OBTAINED FROM NSC FILES, IS AUTHENTIC. SINCE WE ARE NOW TOLD THAT THERE NO LONGER IS SECRET

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A COPY IN NSC FILES, FURTHER EFFORTS AT VERIFICATION OF AUTHENTICITY, SHOULD YOU DECIDE THEY ARE NECESSARY (PETER TARNOFF WILL SHOW YOU A COPY OF THE DOCUMENT ON MONDAY), WOULD INVOLVE EITHER CONTACTING KISSINGER OR INQUIRING INTO NIXON PAPERS, OR BOTH. (WE ARE INFORMED THAT NIXON TOLD CONGRESSMAN WOLFF HE WOULD STATE WHETHER OUR COPY IS A TRUE COPY.) WE ASSUME THAT IF YOU ENDORSE RELEASE, YOU WILL WANT KISSINGER INFORMED AS A COURTESY, AND AT THAT TIME HE COULD BE ASKED TO AUTHENTICATE THE DOCUMENT. AFTER SPEAKING WITH HIM, WE CAN DETERMINE WHETHER THERE IS ANY NEED TO CHECK THE NIXON PAPERS. EXAMINATION OF NIXON PAPERS WOULD REQUIRE 10 DAYS PRIOR NOTICE TO NIXON.

7. WE WOULD ANTICIPATE THAT IF RELEASED THE MESSAGE WOULD BE ACCOMPANIED BY A STATEMENT, NOW BEING DRAFTED, OF OUR VIEW OF ITS MEANING AND LEGAL EFFECT BOTH IN RESPECT OF THE SRV AND UNDER THE CASE ACT. WE WILL SEND YOU A DRAFT OF THAT STATEMENT.

8. WE WOULD LIKE YOUR DECISION ON WHETHER TO APPROACH THE WHITE HOUSE CONCERNING DECLASSIFICATION AND RELEASE, AS WE RECOMMEND, OR IN THE ALTERNATIVE, TO SHOW THE MESSAGE TO CONGRESS ON A CLASSIFIED BASIS. CHRISTOPHER

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NNN

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